

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

SEAN JEFFERY RICHSON-BEY,

Plaintiffs,

v.

JUAREZ,

Defendant.

Case No. 1:22-cv-00567-NODJ-BAM (PC)

ORDER STAYING BRIEFING ON  
DEFENDANT'S MOTION TO REVOKE *IN*  
*FORMA PAUPERIS* STATUS  
(ECF No. 43)

ORDER FOR PLAINTIFF TO SUBMIT **NON-  
PRISONER** APPLICATION TO PROCEED  
*IN FORMA PAUPERIS*

**THIRTY (30) DAY DEADLINE**

ORDER DIRECTING CLERK'S OFFICE TO  
SEND PLAINTIFF **NON-PRISONER**  
APPLICATION TO PROCEED *IN FORMA*  
*PAUPERIS*

Plaintiff Sean Jeffery Richson-Bey ("Plaintiff") is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This action proceeds against Defendant Juarez for excessive force in violation of the Eighth Amendment.

On December 7, 2023, Defendant filed a motion to revoke Plaintiff's *in forma pauperis* status on the ground that Plaintiff has been released from custody since initiating this action. (ECF No. 43.) Plaintiff has not yet had the opportunity to file a response.

In the motion, Defendant argues that Plaintiff is currently proceeding *in forma pauperis* under 28 U.S.C. § 1915(b)(1)'s prisoner provision, and now that he is no longer incarcerated, he

1 must file an updated affidavit to proceed IFP as a non-prisoner under the general provisions of 28  
2 U.S.C. § 1915(a)(1) or pay the filing fee. (ECF No. 18.)

3 Upon review of the filing, the Court finds it appropriate to stay briefing on the motion to  
4 revoke Plaintiff's *in forma pauperis* status and for Plaintiff to file a non-prisoner application to  
5 proceed *in forma pauperis*. Upon receipt and review of the application, the Court will reset the  
6 deadline for Plaintiff to file a response to Defendant's motion to revoke, as necessary and  
7 appropriate.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Briefing on Defendant's motion to revoke Plaintiff's *in forma pauperis* status, (ECF No.  
10 43), is STAYED;
- 11 2. The Clerk of the Court is directed to send to Plaintiff an application to proceed *in forma*  
12 *pauperis* for a **non-prisoner**;
- 13 3. Within **thirty (30) days** of the date of service of this order, Plaintiff shall submit the  
14 attached application to proceed *in forma pauperis*, completed and signed; and
- 15 4. **No requests for extension will be granted without a showing of good cause.**

16  
17 IT IS SO ORDERED.

18 Dated: December 15, 2023

19 /s/ Barbara A. McAuliffe  
20 UNITED STATES MAGISTRATE JUDGE  
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